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**A14CV0985 SS**

### Plaintiff's Original Complaint

pursuant to Section 39 of the Lanham Act, 15 U.S.C. § 1121; Title 28 of the United States Code, 28 U.S.C. §§ 1331, 1338.

3. This Court has personal jurisdiction over Defendant. Defendant has engaged in a continuous and systematic course of doing business in Texas, and a substantial portion of the activities complained of herein have occurred and continue to occur in this District.

### **PARTIES**

4. Plaintiff, an individual, is a resident of Austin, Texas.

5. Defendant, upon information and belief, is a corporation organized and existing under the laws of Canada at 642 Rue de Courcelle, Unit 202, Montreal H4C3C5. Defendant is represented in the US by its attorneys, Dyan Finguerra-DuCharme, Pryor Cashman, LLP, 7 Times Square, New York, NY 10036.

### **FACTS**

6. Plaintiff is a cookbook author and public personality. Plaintiff is known for her hunting and cooking skills, and she conducts professional seminars involving outdoor and hunting pursuits.

7. Plaintiff markets goods and services in connection with these professional endeavors, including clothing items. Among these clothing items are t-shirts that bear the phrase “Raised by Wolves”<sup>1</sup>. (*see actual good immediately below*)

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<sup>1</sup> The phrase “raised by wolves” has appeared in the title of literally hundreds of novels, as well as movies, hit songs, television programs, etc. Plaintiff respectfully requests that this Court take judicial notice that the expression “raised by wolves” is actually part of the vernacular like, for example, “to be or not to be”.



8. Plaintiff has been marketing t-shirts prominently bearing the phrase “Raised by Wolves” since on or about 2013.

9. On or about February 11, 2014 the United States Patent and Trademark Office issued trademark Registration Number 4480828 for the word mark “RAISED BY WOLVES” in connection with International Class 025 goods. Defendant is the owner of this registration.

10. On or about September 12, 2014 Defendant’s attorney wrote to Plaintiff and informed Plaintiff that, “You have wholly usurped our client’s RAISED BY WOLVES® trademark. As such, your actions constitute trademark infringement and unfair competition in violation of U.S. law”. **Exhibit A.**

11. Plaintiff timely corresponded with Defendant in an effort to amicably resolve the matter. Plaintiff even offered to promptly discontinue her use of the phrase “Raised by Wolves” in connection with Class 025 goods. **Exhibit B.**

12. Nevertheless, Plaintiff and Defendant were unable to resolve the matter. **Exhibit B.**

13. Defendant’s assertions of trademark infringement have persisted and caused Plaintiff to have a reasonable apprehension of being suing sued in a court. **Exhibit B.**

14. Plaintiff has a legitimate right to sell its “Raised by Wolves” t-shirts without threats or payments to Defendant.

#### **SOLE COUNT**

15. Defendant’s claims of trademark infringement have created an actual, substantial and justiciable controversy between the parties.

16. Defendant has indicated its intention to commence an action for infringement at some time very near in the future and to prevent Plaintiff from marketing the goods in question. **Exhibit B.**

17. Plaintiff seeks a judicial determination and declaration that her use of the phrase “Raised by Wolves” on certain t-shirts, does not infringe Defendant’s trademark rights.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for judgment as follows:

- (a) A declaration that Plaintiff's goods do not infringe the trademark rights, or any other rights, of the Defendant;
- (b) An award of Plaintiff's costs and attorney's fees in connection with this action, in that Defendant's claim of trademark infringement should have been known by Defendant to be false and unsupportable in law, fact or equity;
- (c) Such other relief as this Court may deem just and proper.

DATED: October 29, 2014

Respectfully submitted,

By: 

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